

Pt. 791

40 CFR Ch. I (7–1–08 Edition)

Week ¹	Event
2	Publish ITC report, 8(a) and 8(d) notices, and invitation for public participation in negotiations.
3–6	Comment period on ITC report.
6	Public focus meeting.
7–14	8(a) and 8(d) reporting period.
22	Public meeting on course-setting decision and deadline for requests to participate in negotiations.

Week ¹	Event
22–30	Negotiations.
32	EPA decision point: consent agreement or test rule.

¹The dates contained in the left-hand column are calculated from the date EPA receives the ITC report recommending a chemical for testing.

Week	Consent Agreement	Week	Test Rule
36–40	Comment period on consent agreement	32–60	Rule preparation, agency review and sign-off.
42	Comment resolution meeting if necessary.	62	Publish proposed rule in FEDERAL REGISTER. ¹
48	Sign-off consent agreement and FEDERAL REGISTER notice.	70–106	Agency reviews comments; preparation of final rule or no-test decision, agency review and sign-off. ¹
50	Publish FEDERAL REGISTER notice	108	Publish final rule or no-test decision in FEDERAL REGISTER. ¹

¹ As stated in § 790.26, EPA may publish an Advance Notice of Proposed Rulemaking (ANPR) where the testing recommendations of the ITC raise unusually novel and complex issues that require additional Agency review and opportunity for public comment. EPA intends to publish such ANPRs by Week 62 following receipt of the initial ITC report; to publish a proposed rule or decision-not-to-test by Week 108; and to publish a final rule or notice terminating the rulemaking process by Week 154.

[51 FR 23717, June 30, 1986]

PART 791—DATA REIMBURSEMENT

SOURCE: 48 FR 31791, July 11, 1983, unless otherwise noted.

Subpart A—General Provisions

Sec.

- 791.1 Scope and authority.
- 791.2 Applicability.
- 791.3 Definitions.

Subpart B—Hearing Procedures

- 791.20 Initiation of reimbursement proceeding.
- 791.22 Consolidation of hearings.
- 791.27 Pre-hearing preparation.
- 791.29 Appointment of hearing officer.
- 791.30 Hearing procedures.
- 791.31 Expedited procedures.
- 791.34 Serving of notice.
- 791.37 The award.
- 791.39 Fees and expenses.

Subpart C—Basis for Proposed Order

- 791.40 Basis for the proposed order.
- 791.45 Processors.
- 791.48 Production volume.
- 791.50 Costs.
- 791.52 Multiple tests.

Subpart D—Review

- 791.60 Review.

Subpart E—Final Order

- 791.85 Availability of final Agency order.

Subpart F—Prohibited Acts

- 791.105 Prohibited acts.

AUTHORITY: 15 U.S.C. 2603 and 2607.

Subpart A—General Provisions

§ 791.1 Scope and authority.

(a) This part establishes procedures and criteria to be used in determining fair amounts of reimbursement for testing costs incurred under section 4(a) of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2603(a)).

(b) Section 4(c) of TSCA requires EPA to develop rules for the determination of fair and equitable reimbursement (15 U.S.C. 2603 (c)).

§ 791.2 Applicability.

(a) This rule is potentially applicable to all manufacturers, importers and processors who may be required by a specific test rule promulgated under section 4(a) of TSCA to conduct tests and submit data, and who seek the assistance of the Administrator in determining the amount or method of reimbursement. Persons subject to a test rule have an obligation from the date the test rule becomes effective until the end of the reimbursement period, either to test or to obtain an exemption and pay reimbursement.

(b) The provisions of this rule will take effect only when private efforts to resolve a dispute have failed and a manufacturer or processor requests EPA's assistance.